

IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF OHIO  
WESTERN DIVISION

UNITED STATES OF AMERICA,

Plaintiff-Respondent,

vs.

Case No. 3:00cr080  
3:03cv376

JOHN P. MOORE, III

JUDGE WALTER HERBERT RICE

Defendant-Petitioner.

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DECISION AND ENTRY ADOPTING REPORT AND RECOMMENDATIONS OF  
UNITED STATES MAGISTRATE JUDGE (DOC. #41) IN THEIR ENTIRETY;  
DEFENDANT-PETITIONER'S OBJECTIONS TO SAID JUDICIAL FILING  
(DOC. #42) OVERRULED; JUDGMENT TO ENTER IN FAVOR OF  
PLAINTIFF-RESPONDENT AND AGAINST DEFENDANT-PETITIONER,  
DENYING DEFENDANT-PETITIONER'S MOTION TO VACATE, ETC., FILED  
UNDER 28 U.S.C. SECTION 2255; TERMINATION ENTRY

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Pursuant to the citations to the record and of authority, as well as the reasoning set forth in the Report and Recommendations of the United States Magistrate Judge (Doc. #41), as well as upon a thorough *de novo* review of this Court's file and the applicable law, said Report and Recommendations are adopted in their entirety. Defendant-Petitioner's Objections to said judicial filing (Doc. #42) are overruled. Judgment will be ordered entered in favor of the Plaintiff-Respondent and against Defendant-Petitioner, denying Defendant-Petitioner's

Motion to Vacate, Etc., filed pursuant to 28 U.S.C. Section 2255.

In ruling as aforesaid, the Court makes the following, non-exclusive observations:

1. When asked by the Court, at the time of entering the plea, whether he was pleading guilty because he was in fact guilty as charged, the Defendant replied in the affirmative.

2. During allocution, the Defendant did not protest his innocence, but instead asked for mercy. Indeed, Defendant never sought to withdraw his guilty plea in the more than three years between the date he entered same and the date the instant Section 2255 Motion was filed.

3. When he testified before the State Medical Board in licensure revocation proceedings, the Defendant once again acknowledged his wrongdoing.

The captioned cause is hereby ordered terminated upon the docket records of the United States District Court for the Southern District of Ohio, Western Division, at Dayton.

February 22, 2007

/s/ Walter Herbert Rice

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WALTER HERBERT RICE  
UNITED STATES DISTRICT JUDGE

Copies to:

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George Katchmer, Jr., Esq.

Judge Richard Frye, Franklin County Court of Common Pleas, Columbus, OH